

STAFF REPORT

AGENDA ITEM: Special Recreation Permit Program, California Desert District, Bureau of Land Management

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DATE: May 25, 2011

Issue: Since the release of the Bureau of Land Management (BLM) Recreation Permit Handbook in 2003 (updated 2006) there has been an inconsistent approach to implementing key requirements of the Special Recreation Permit (SRP) program in the California Desert District.

Background: A final rule updating the regulations governing the issuance of permits for recreation on public lands administered by the BLM was published in the Federal Register (Volume 67) October 1, 2002. The final rule addresses three main areas. First, it emphasizes and highlights the cost recovery requirements for issuing recreation permits. Second, it updates BLM regulations to reflect changes in recreational activities and large-scale events which have taken place over the last 15 years. Third, it provides guidance and standards for use of developed recreation sites.

On Oct. 7, 2003, subsequent to the publication of the final rule, BLM published its Manual and Handbook, H-2930-1 (Recreation Permit Administration). The Manual and Handbook consolidates the most current recreation permit regulations, policy, and associated reference materials in order to provide consistent and clear direction for issuance of recreation permits and the requirement for cost recovery. The following policy articulates specific direction in accordance with Office of Management and Budget Circular No. A-25 (revised 7/8/93) and the BLM Manual and Handbook H-2930-1.

As a result of the tragic accident that resulted in the deaths of eight spectators during the California 200 off-highway truck race on August 14, 2010, the BLM California Desert District has undergone a thorough evaluation of their SRP program. That evaluation concluded key elements of the SRP program have not been appropriately implemented.

The BLM evaluation identified several action items including:

- Field managers must review each application for an SRP on a case-by-case basis. Before each event, staff will meet with the permittee to review the application packet, including the operating, safety and communication plans. Terms and stipulations of the permit also will be reviewed.
- To help managers determine appropriate staffing to monitor each permitted event, the CDD developed a Monitoring Assessment Matrix. (See attached) Factors such as time and date of the event, type of event, location, conflicting uses, and anticipated participant and spectator numbers are included.
- BLM staff, including Law Enforcement Officers (LEOs), Outdoor Recreation Planners, or other resource staff must monitor all permits for compliance with the terms and stipulations of the permit.
- Spectator areas must be defined by the permittee on the ground using temporary fencing during all events. Spectator rules, code of conduct, and risk information must be posted on large signs at access roads during an event weekend. Spectators are not allowed in the pits. The pits are clearly identified and buffers are provided for spectator safety.
- State and local law enforcement will always be advised of upcoming events. Permittees are required to submit communication and safety plans that include advising the local sheriff, fire and emergency medical service of the event.
- There will be a reassessment of the capacity of field offices to sustain the number of permits it currently administers each year and a determination of whether that number is appropriate.
- Each office will develop a calendar of requested events to occur in 2011 in order to evaluate and assess on-site staffing needs to ensure permit compliance.

Discussion: As the BLM is proceeding with improving the SRP program, inconsistencies in implementation have created challenges on groups wishing to stage events on BLM lands.

The review and implementation of the SRP process had an immediate impact on events in the California Desert District. By November 2010, out of more than a dozen applications for events to

be held after August 14, four were denied due to inadequate advance time and close adherence to permit procedure requirements.

Given the potential impact to recreationists, the California Desert District Advisory Council (DAC) is actively addressing the implementation of the SRP. The SRP has been an agenda item at the last two meetings of the DAC. At the March 26, 2011 DAC meeting, a subgroup was established with the mission to "identify operational issues in the application of required SRP procedures, provide comments about current or proposed actions by BLM, and aid in accurately communicating SRP procedures to interested parties." Persons wishing to participate in the subgroup were able to submit an application until May 3, 2011. The subgroup will report its findings to the full DAC, which ultimately advises BLM's California Desert District Manager.

**Commission
Action:**

To be determined by the Commission.